

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

2007 MAY 16 P 3:01

UNITED STATES OF AMERICA

 RICHARD W. WIEKING
 CLERK
 U.S. DISTRICT COURT
 NO. DIST. OF CA. S.

V.

CRIMINAL COMPLAINT

Javier VADILLO-PINEDA

(Name and Address of Defendant)

CASE NUMBER:

07 70283 HRL

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, February 9, 2007, in Monterey County in the Northern District of California defendant(s)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326
 I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty years imprisonment and \$100.00 special assessment fee and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

Byron T. Kennedy
 ASSISTANT UNITED STATES ATTORNEY
Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No
Carri LaMont
 Signature of Complainant

Sworn to before me and subscribed in my presence,

5/16/07
 Date

at

San Jose, California
 City and State

Howard R. Lloyd
 UNITED STATES MAGISTRATE JUDGE
 Name & Title of Judicial Officer

[Signature]
 Signature of Judicial Officer

RE: VADILLO-PINEDA, Javier

A 092 916 832

I, Darin L. Masterton, am a Deportation Officer of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE). I have been employed by this agency, and the former Immigration and Naturalization Service (INS), since September 15, 1996. I am currently assigned to the Criminal Alien Program (CAP) at the San Jose, California Sub-Office. In such capacity, I have reviewed the official immigration "A-File" relating to the above named defendant, which attests to the following:

- (1) DEFENDANT: Javier VADILLO-PINEDA, is a 38-year-old male, citizen and native of Mexico, born on December 27, 1968, in Acapulco, Guerrero, Mexico, substantiated by official A-File records, and statements given by the DEFENDANT on February 9, 2007, to ICE Immigration Enforcement Agent Alexander Felix;
- (2) The DEFENDANT has been assigned Alien Registration number A092 916 832, and FBI number of 159750HA3;
- (3) The DEFENDANT is also known by at least five alias names as follows:

TIBURCIO-OCAMPO, Palemon
GALINDO, Israel
SANTANA, Miguel Angel
ALBASUAREZ, Miguel Angel
MARIN, Romulo

- (4) On February 25, 1988, the DEFENDANT was convicted in the United States District Court, for the offense of AIDING, ABETTING and ASSISTING UNDOCUMENTED ALIENS IN ELUDING INSPECTION AND EXAMINATION, a misdemeanor, in violation of Title 18, United States Code, Section 2, and Title 8, United States Code, Section 1325, and was sentenced to forty-five days in prison;
- (5) On July 13, 1999, INS arrested and order the DEFENDANT to Voluntarily Depart the United States;
- (6) On March 6, 2002, INS arrested and deported the DEFENDANT from the United States to Mexico;
- (7) On March 17, 2003, the DEFENDANT was convicted in the Superior Court of California, for the offense of SECOND DEGREE BURGLARY, a felony, in violation of California Penal Code Section 459, and received a sentence of one year and four months. This offense is defined as an aggravated felony under Title 8, United States Code, Section 1101(a)(43)(G);

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- (8) On November 24, 2003, ICE arrested and deported the DEFENDANT from the United States to Mexico;
- (9) On February 9, 2007, the DEFENDANT was encountered by ICE Immigration Enforcement Agent (IEA) Alexander Felix at Soledad State Prison, Soledad, California, and during initial questioning, was determined to be unlawfully present in the United States after a prior deportation. On March 15, 2007, IEA Steven Contreras re-interviewed the DEFENDANT and advised the DEFENDANT of his Miranda rights in the English and Spanish language. The DEFENDANT waived his Miranda rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Secretary of the Department of Homeland Security or the United States Attorney General to reenter the United States;
- (10) The DEFENDANT's official A-File does not contain any record or indication that the DEFENDANT requested or received permission from the Secretary of the Department of Homeland Security or the Attorney General of the United States to reenter the United States;
- (11) Based on the above stated information, this Officer believes there is sufficient probable cause that the DEFENDANT is present within the United States in violation of Title 8, United States Code, Section 1326.



Darin L. Masterton
Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me this 16 day of May, 2007



Howard R. Lloyd
UNITED STATES MAGISTRATE JUDGE

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